

/89 cont./

936
558
76 Today this causes less repercussion, and the phenomena which were aroused in the society and the individual have become weakened. But by contrast, it /virginity/ is an object of greater search, and the man who is successful /70/ in finding a virgin bride publicizes it as an individual reason for prestige. Furthermore, men are complaining less and less when their wives have not come as virgins to the nuptial hammock, and they only make it the subject of satirical songs when they are drunk. That is to say, they take the matter more broadmindedly, giving it the character of an accomplished fact and almost to be expected.

684
Guajiro must pay for illicit sexual relations with an unmarried woman, being a material compensation for the improper use made of her and returning to the woman her position of respected spinster, with the possibility that another man will court her and buy her for himself, without the fact of the abuse weighing as a dishonor in her past or having any echo in the future. It is also the compensation to the maternal relatives of the woman for the material and moral offense of violation of a right. They receive this payment because, by not accepting it, they would lower their kinswoman, and through her all of the family, to the category of "a dog or a burro," with no one to make their rights valid, and in order to prevent others wishing to do the same thing to other women of the family, which would bring the prestige of the group to an end. Also, because the man made use of a right which he should have paid for beforehand, to compensate the woman's relatives for rearing her and for the social support they have given her. The payment covers two distinct aspects of different value: violation and rape.

684
• 839 In the first case, as it is considered that the woman has shown willingness in the act, only the abuse is taken into account. In the second, as force has been used, a compensation payment is demanded not only for abuse but for violation, specifying that the man used force and thereby humiliated the woman, made her dishonor and her physical weakness more obvious, and offended

/70 cont./

684 her maternal relatives by reducing them to the level of a con-
839 quered group whose women are the easy prey of any man as they
have no one strong enough to back the claim for them. For this
an increase in the payment is included as indemnity. Also, if
when the assault took place the woman was injured, the payment
is further increased because they also collect compensation pay-
ment for the spilling of blood, the common link of kinship and
vital element of the body.

It frequently occurs in certain places where the economic
differences between different groups are very pronounced, that
when a young girl is in the period of seclusion and her relatives
have had to leave her alone in her room to attend to work outside
the house, rich Indians take advantage of the occasion to violate
her. In such a case /71/ when the offended group obtains the
backing of another group that is as strong as that of the offender's,
the payment for abuse is very high, because in addition to the
lowering of family prestige, they consider the value of the girl's
seclusion and her isolation from men to have been lost, so placing
her and her relatives on an inferior plane by not being able to
comply in full with the traditional formalities usual in order to
become a complete woman in the Guajiro sense. If the payment
is not effected due to the inferiority and lack of backing of the
offended group, one of the members of the clan, feeling the
humiliation of his kinswoman, will wait for an opportunity to
kill the culprit, but by doing so he will cause the destruction and
exile of his family group.

684 It can happen, and it is very frequent at the present time, that
a woman has received payment for successive abuses. The young
girl, demoralized for various reasons, gives herself secretly to a
man, an act which on becoming known leads to a claim for com-
pensation payment. It may also come about that a woman comes
to be bought as a wife after what has happened. As the young
Guajiro woman considers it an honor to be bought rapidly and at
a good price, she looks enviously at the luck of such women,
and since she thinks that they owe it to their way she tries to do
the same. This increases the frequency of the act, which in

/101 cont./

83² compunction in reproaching her, saying: "What! Is that man your father, your uncle, or your brother that you go walking with him, talking and laughing?" She must at once stop talking to the man and submissively pay attention to the admonition, because if not, the individual in question will go to her parents' house and will say to them: "Who is this that your daughter is talking and laughing with? Has he perhaps already bought her?" And her parents, very much annoyed at her conduct, will interrogate the girl more or less in this manner: "Who is this whom they tell me you are talking to? What does he want from you?" She will answer that he is her sweetheart and wants to buy her, to which her parents reply: "It is not to you that he has to speak but to us. Do not speak to him again."

•83¹
583 Apart from these cases, which one might call voluntary, there are cases of violation which, as we know, give cause for a compensation claim for the illegal use of the girl, compounded by the abuse of subjecting her against her will and for the injuries she may have suffered on being violated. If she becomes pregnant as a consequence of such a union, then the corresponding compensation claim will be made for the troubles of pregnancy and labor. But the action by which the woman suffered will not be made the object of recrimination, nor will it lower her value in the eyes of the Guajiro collectivity, if the payment for what has happened is paid in full. There is nothing to object to after that, either in her or in her relatives, and the child will belong to her and will not be the object either of rejection or contempt.

Lastly, it is necessary to take into account the frequent violations of young women still in seclusion by rich Indians, when the girls belong to a poor group and their relatives have to leave them alone in the hut for some reason or other. They say that, as the woman is under treatment and during this time whoever is in charge of her avoids the appearance of menstruation by means of herbs, she does not become pregnant if she has sexual relations. But if such an act does occur, the woman is taken out of seclusion immediately, and the corresponding compensation claim is presented.

/101 cont./

• 131
83 In the cases that we have described, as in that of abduction, the relatives of the girl oblige the seducer to marry by paying the stipulated price, or to pay an amount they arrive at for the abuse committed. If neither of these alternatives is complied with, the enmity of the two groups involved becomes so bitter that war ensues. /102/

87
83 Marriage by adultery. When a woman commits adultery and the case is known, attempts are made to settle the matter legally: the lover is obliged by the maternal relatives to pay what is claimed by the legitimate husband, or to pay to them the value of a usual marriage, in which case the woman involved on the litigation becomes his lawful wife, according to Guajiro law.

At the present time this custom, which previously used to end with the death of the lover, the husband, or of both, since the husband tried to solve the problem in this way in spite of future consequences, is now dying out due to the emigration of the men and the growing prostitution among the women, both in and outside the peninsula, for the many reasons already seen.

83
87 Marriage of female bond servants and slaves. Although this aspect will be treated fully in the chapter headed Slavery and Bond Service, we would like to present it, if only summarily, in this chapter so as not to disturb the order of the ideas we are tracing.

The women and children taken prisoners in the wars which strong clan groups declare on weak ones when these have caused the death of one of their members enter into the state of slavery. This means that the all-powerful will of their owner may be imposed on every act of their lives, even up to his being able to kill them without possibility of claim, since their relatives who would be the claimants have been slaughtered or dispersed.

In this way adult women and girl slaves may be sold, and in effect are, especially to be taken to Curacao, Trinidad, etc.; they may be given away to their owners' relatives, or used in domestic service. If the master of a woman slave wishes to

/190 cont./

684 When the abortion is provoked by the woman when she is
682 in an advanced stage of pregnancy, the husband demands compensation payment, and the act is considered a homicide.

684 An offense of a very grave character for an individual and
838 his relatives is the attempt made by a homosexual to abuse him. Generally, this aggressive act is directed against defenseless young boys, who can be physically forced to submit. Their relatives demand compensation payment, not only for the physical molestation suffered by their relative but for the psychological and social significance of the offense, which completely devolves on them.

684 Exhibitionism of a sexual type is considered a punishable
839 act because it entails an offense against the modesty of those present, and if /191/ the spectator is a person of high standing, it implies moreover a grave offense to his high status which demands respect from others; in this case the payment is greater and may cause strong reprisals to be taken against the offender's relatives. These offenses may refer to homosexual practices, suggestions or representations real or imaginary of copulation, or exhibition of the genital organs. Both sexes may undress in public without the spectators feeling offended, as happens at the public baths, where the women bathe without concern, taking care to cross their legs. The man holds the penis to his waist in a way that his hairiness covers him and so does not offend the modesty of the bystanders.

684 Other aspects which have to be taken into consideration are the offenses that the woman can inflict on the man during married life. Let us remember that Guajiro women, even to this day, are bought without their wishes being taken into account, and that those who cannot avoid this marriage -- by means of suicide, flight, or breaking with the community -- may refuse to cohabit with the husband imposed on them or to satisfy his sexual desires. The man then abandons such a woman or demands compensation payment for the pain her attitude has caused him and refuses to resume his position as